



# Child Welfare Information Gateway

PROTECTING CHILDREN ■ STRENGTHENING FAMILIES

STATE  
STATUTES  
SERIES

*Current Through  
March 2006*

## Intestate Inheritance Rights for Adopted Children

Leaving a will is the best way to ensure heirs or descendants may inherit from your estate. Issues of property distribution may arise when a birth parent or adoptive parent dies without making a valid will or without naming an heir to particular property (referred to as "intestacy"). In these cases, State law determines who may inherit from whom. Laws in all 50 States, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands specify an adopted child's rights of inheritance from and through the adoptive and birth parents.

Electronic copies of this publication may be downloaded at  
[www.childwelfare.gov/systemwide/laws\\_policies/statutes/inheritance.cfm](http://www.childwelfare.gov/systemwide/laws_policies/statutes/inheritance.cfm)

To find statute information for a particular State, go to  
[www.childwelfare.gov/systemwide/laws\\_policies/search/index.cfm](http://www.childwelfare.gov/systemwide/laws_policies/search/index.cfm)

To find information on all the States and territories, order a copy of the full-length PDF by calling 800.394.3366 or 703.385.7565, or download it at  
[www.childwelfare.gov/systemwide/laws\\_policies/statutes/inheritanceall.pdf](http://www.childwelfare.gov/systemwide/laws_policies/statutes/inheritanceall.pdf)

U.S. Department of Health and Human Services  
Administration for Children and Families  
Administration on Children, Youth and Families  
Children's Bureau



**Child Welfare Information Gateway**  
Children's Bureau/ACYF  
1250 Maryland Avenue, SW  
Eighth Floor  
Washington, DC 20024  
703.385.7565 or 800.394.3366  
Email: [info@childwelfare.gov](mailto:info@childwelfare.gov)  
[www.childwelfare.gov](http://www.childwelfare.gov)

## Birth Parents and Adopted Children

Generally, the court decree that finalizes the adoption ends the legal relationship between the birth parent (also referred to as the “biological” or “natural” parent) and the adopted child. There are, however, exceptions to this policy in some States. For example:

- Alaska, Idaho, Illinois, and Maine provide for a continuation of inheritance rights if stated in the adoption decree.
- In Kansas, Louisiana, Rhode Island, Texas, and Wyoming, an adoption decree terminates the right of the birth parent to inherit from the adopted person, but the adopted person may still inherit from the birth parent.
- In Colorado, if there are no other heirs, the adopted child may file a claim against the estate of the birth parent within 90 days of the parent’s death.
- Illinois allows the birth parents to acquire from the adopted child’s estate any property gained from them through gift, will, or under intestate laws.
- In Pennsylvania, an adopted person may inherit from the estate of a birth relative, other than a birth parent, who has maintained a family relationship with the adopted person.

Adoption by the spouse of a birth parent generally has no effect on the right of a child to inherit from or through either birth parent.

## Adoptive Parents and Adopted Children

The adopted child is treated by law as the natural child of the adopting parents, upon the entry of the final adoption decree. The adopted child, therefore, gains the right to inherit from the adoptive parents and adoptive parents’ relatives. Adoptive parents and other adoptive relatives also gain the right to inherit from the adopted child.

This publication is a product of the State Statutes Series prepared by Child Welfare Information Gateway. While every attempt has been made to be complete, additional information on these topics may be in other sections of a State's code as well as in agency regulations, case law, and informal practices and procedures.